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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,695

03/17/2004

Dieter Hoffmann

22878

3784

535

7590

11/29/2005

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EXAMINER

TA, THO DAC

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/802,695

Applicant(s)

HOFFMANN, DIETER

Examiner

Tho D. Ta

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2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-36 is/are allowed.
- 6) ☒ Claim(s) 37-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Fig 7 & 12 of DE 2810681C2

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 11/01/05 has been entered.

### ***Claim Objections***

2. Claim 40 is objected to because of the following informalities: claim 40 , lines 10 and 11, the limitation "the retaining surface of the first shell" lack antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent 2810681.

In regard to claim 37, German Patent 2810681 discloses an adapter 10 adapted to fit with a power track 11 having grooves holding conductors 13, 14, the adapter 10

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comprising: a first dielectric housing half shell 16; a second dielectric housing half shell 17 fittable with the first half shell 16 and having a retaining surface (see attached drawing); formations (along 23, see fig. 7) on the half shells forming a journal (the perimeter which housing the shaft A); a control shaft A fittable in the journal between the half shells 16, 17; and a retaining formation on the first half shell 16 latchingly engageable with the retaining surface of the second half shell 18 (at 27, 28, see figures 3 and 4).

In regard to claim 38, German Patent 2810681 discloses that the two housing half shells 16, 17 together form a substantially closed chamber containing the shaft A (see fig. 12).

In regard to claim 39, German Patent 2810681 discloses that the journal-forming formations are webs (see attached drawing) unitarily formed with the half shells 16, 17 and forming generally semicircular seats (adjacent Fa in fig. 12) that in turn form the journal.

In regard to claim 40, German Patent 2810681 discloses an adapter 10 adapted to fit with a power track 11, the adapter 10 comprising: a first dielectric housing shell 16; a second dielectric housing shell 17 fittable with the first shell 16 and having a retaining surface and formed with a throughgoing hole (see attached drawing) adjacent the retaining surface; a control shaft A fittable between the shells 16, 17 and having a

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retaining surface; and a retaining formation 27, 28 on the first shell and latchingly engageable through the hole with the retaining surface of the second shell 18.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over German patent 2810681 in view of Taormina et al. (3,519,978).

In regard to claim 41, German Patent 2810681 discloses an adapter 10 adapted to fit with a power track 11, the adapter 10 comprising: a first dielectric housing shell 16; a second dielectric housing shell 17 fittable with the first shell 16 and having a retaining surface; a control shaft A fittable between the shells 16, 17; and a retaining formation on the first shell 16 and snugly engageable with the retaining surface of the second shell 17.

However, German Patent 2810681 does not disclose a membrane hinge unitarily formed with the first and second housing shells 16, 17.

Taormina et al. discloses a membrane hinge 16, 17, 18 unitarily formed with the first and second housing shells 12, 14.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify German Patent 2810681 by providing a membrane hinge as disclosed by Taormina et al. in order to keep the two housings

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together at all time and prevent the housings from getting separated during handling by the users.

***Allowable Subject Matter***

7. Claims 27-36 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: In regard to claim 27, the prior art fails to provide, teach or suggest means including an elastically deformable formation on the first shell engageable with the retaining surface of the control shaft for releasably retaining the shaft in the journal.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



THO D. TA  
PRIMARY EXAMINER

tdt  
11/28/05

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-25-

2810681

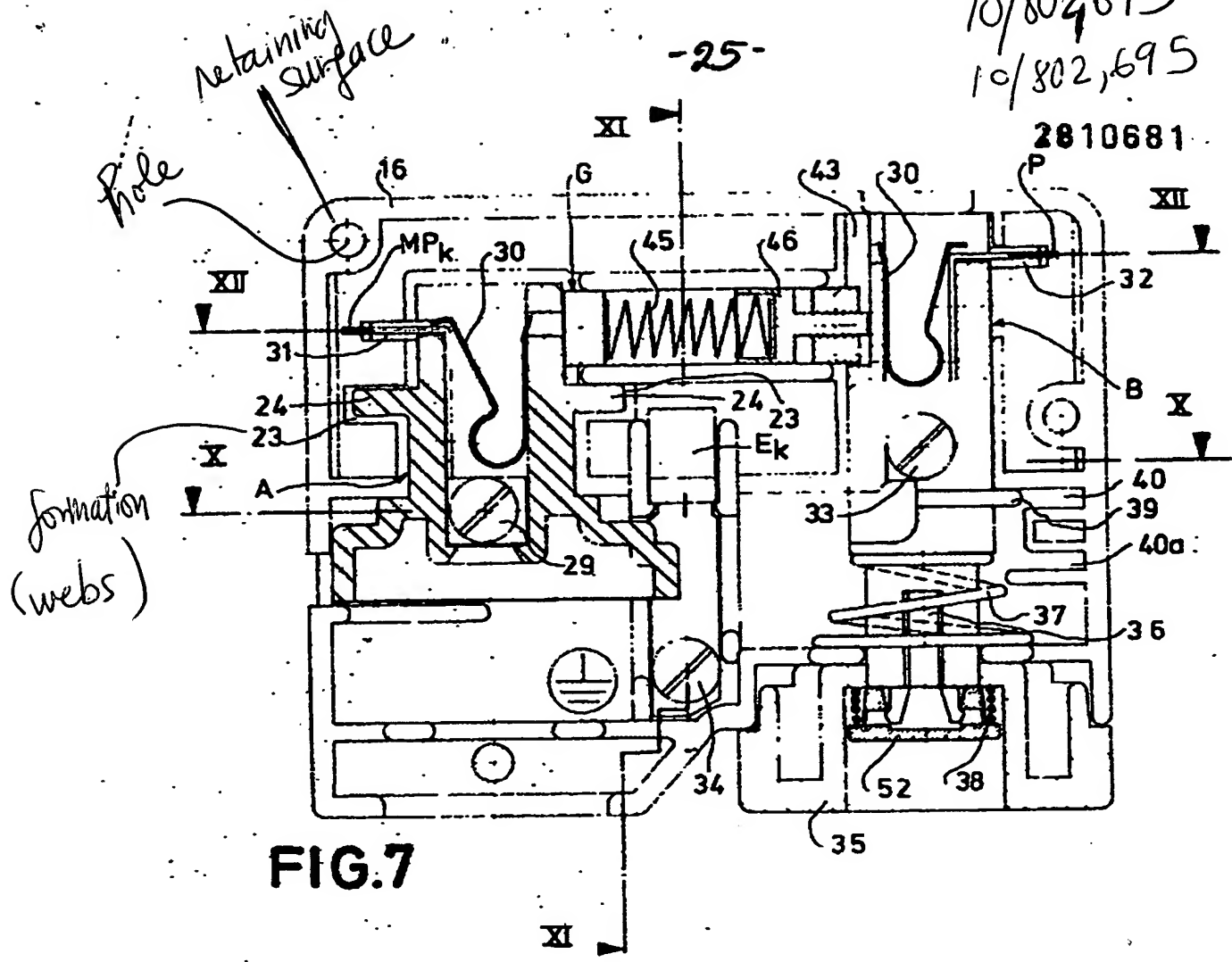


FIG. 7

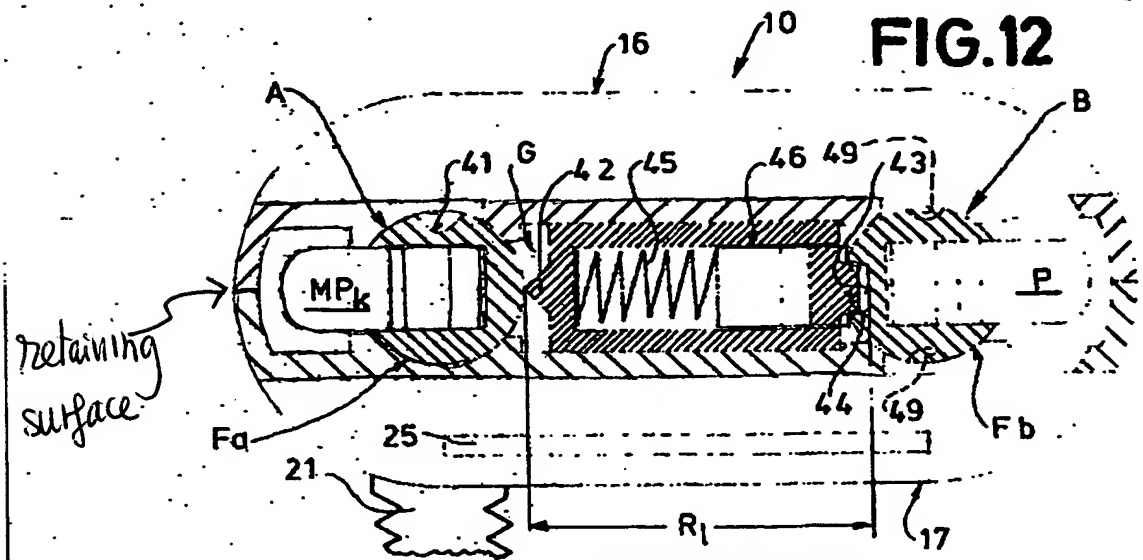


FIG. 12

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